



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10280 of 2026

Gulam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aditya Nandan, Chandan Srivastava,
Vikas Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sr. No.70 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Vikas Srivastava, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.340 of 2024, under Sections 103(1), 61(2)क BNS, Police Station Sambhal, District Sambhal, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 28.10.2025 in Criminal Misc. Bail Application No.36853 of 2025, and the following order was passed:-

"1. List has been revised.

2. Heard Sri Raj Kumar Khanna, learned counsel for applicant and Sri Sunil Kumar, learned A.G.A. for the State.

3. The present bail application has been filed by the applicant in Case Crime No.340 of 2024, under Sections 103(1) and 61(2)? B.N.S., Police Station Sambhal, District Sambhal with the prayer to enlarge him on bail.

4. Learned A.G.A. has stated that the counsel for the applicant has not explained the criminal history of two cases assigned to the applicant i.e.

Case Crime No.591 of 2014, under Sections 147, 148, 149, 307, 336, 504 and 506 I.P.C., Police Station Kotwali, District Sambhal and Case Crime No.307 of 2016, under Sections 147, 148, 149, 307, 411, 414, 420 I.P.C., Police Station Nakhasa, District Sambhal. In addition to it, there are criminal history of six more cases assigned to the applicant, as such, he is not entitled for bail.

5. In rebuttal, learned counsel for the applicant has stated that the applicant has no knowledge of the said two cases. In the cases of U.P. Goondas Act and Arms Act, the period of externment has already expired.

*6. The Supreme Court in **Special Leave to Appeal (Crl.) No(s). 1400/2025, Munnesh Vs. State of Uttar Pradesh** has directed that the petitioners seeking regular bail or anticipatory bail must mandatorily disclose their criminal antecedents. Non-disclosure of criminal history itself could be considered as a ground for dismissal of bail. The Court directed:*

"We, accordingly, direct that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/ sessions courts declining prayers under Sections 438/439 of the Code of Criminal Procedure, 1973 or under Sections 482/483, Bharatiya Nagrik Suraksha Sanhita shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the special leave petition."

7. After hearing learned counsel for the parties and taking into consideration the fact that the criminal history assigned to the applicant has not been properly explained by the counsel for the applicant, I do not find it a fit case for grant of bail to the applicant.

*8. The instant bail application is found devoid of merits and is, accordingly, **rejected**.*

*9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220** and **Hussain and Another vs. Union of India; (2017) 5 SCC 702**, if there is no legal impediment.*

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial. "

5. Learned counsel for the applicant has stated that the first bail application of the applicant was rejected on account of non-explanation of criminal antecedent of the applicant. Now, the criminal antecedent of the applicant has been explained, as in one case the bail application is pending and in another case the applicant has been enlarged on bail.

6. Considering the facts and circumstances of the case, the submissions made by learned counsels for the parties, and taking into consideration that similarly placed co-accused, Mulla Afroz, has already been granted bail by this Court vide order dated 9.9.2025 in Criminal Misc. Bail Application No.22977 of 2025, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed** on the ground of parity.

7. Let the applicant- **Gulam**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 12, 2026
Vikas Verma